

ESTTA Tracking number: **ESTTA740305**Filing date: **04/15/2016**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following parties request to cancel indicated registration.

**Petitioner Information**

Name	JULIO C ARAMBURO ARAMBURO		
Entity	Individual	Citizenship	MEXICO
Address	Privada Simón Bolívar No. 59, Culiacán Sinaloa, C.P.80040 MEXICO		

Name	FERNANDO C TIRADO		
Entity	Individual	Citizenship	MEXICO
Address	Av. Santa Rosa No. 3404 Col. Burócrata, Mazatlán Sinaloa, C.P.82163 MEXICO		

Attorney information	John S. Egbert Egbert Law Offices, PLLC 1001 Texas, Suite 1250 Houston, TX 77002 UNITED STATES mail@egbertlawoffices.com Phone:713-224-8080
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**Registration Subject to Cancellation**

Registration No	4916677	Registration date	03/15/2016
Registrants	Verduzco Martinez, Ramon 2075 Ocean View Blvd San Diego, CA 92113 UNITED STATES  Peraza Castro, Maximiliano 2075 Ocean View Blvd San Diego, CA 92113 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 041. First Use: 2013/03/04 First Use In Commerce: 2013/03/04

All goods and services in the class are cancelled, namely: Entertainment services in the nature of live audio performances by a musical band; Entertainment services in the nature of live musical performances; Entertainment services in the nature of live vocal performances by a musical band

**Grounds for Cancellation**

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Mark Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	4585035	Application Date	08/10/2012
Registration Date	08/12/2014	Foreign Priority Date	NONE
Word Mark	BANDA RANCHO VIEJO LA BANDONONONA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2013/01/14 First Use In Commerce: 2013/01/14 Apparatus for recording, transmission or reproduction of sound or images; prerecorded magnetic data carriers featuring music; digital media, namely, compact discs, DVDs and downloadable audio files featuring music</p> <p>Class 041. First use: First Use: 2013/09/01 First Use In Commerce: 2013/09/01 Entertainment in the nature of visual and audio performances by musical bands; entertainment, namely, live music concerts, live performances by a musical band;music production services</p>		
Attachments	85700529#TMSN.png( bytes ) 2144-29 Petition for Cancellation.pdf(841404 bytes )		

## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/2144-29/
Name	John S. Egbert
Date	04/15/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 4,916,677  
Registered on March 15, 2016

JULIO CESAR ARAMBURO ARAMBURO §  
and FERNANDO CAMACHO TIRADO §

Petitioners, §

v. §

Cancellation No. \_\_\_\_\_

Maximiliano Peraza Castro and §  
Ramon Verduzco Martinez §

Registrants. §

**PETITION FOR CANCELLATION**

The Petitioners, JULIO CESAR ARAMBURO ARAMBURO and FERNANDO CAMACHO TIRADO (hereinafter "Petitioners"), both individuals and citizens of Mexico, with JULIO CESAR ARAMBURO ARAMBURO having an address of Privada Simón Bolívar No. 59, Culiacán, Sinaloa MEXICO C.P.80040, and FERNANDO CAMACHO TIRADO having an address of Av. Santa Rosa No. 3404, Col. Burócrata, Mazatlán, Sinaloa MEXICO C.P.82163, believes it is and will be damaged by the continued registration of U.S. Registration 4,916,677 on the Principal Register and hereby petitions for cancellation of said registration.

As grounds for this petition, it is alleged that:

1. Upon information and belief, Maximiliano Peraza Castro and Ramon Verduzco Martinez (hereinafter "Registrants") are both individuals with an address of 2075 Ocean View Blvd, San Diego, CALIFORNIA UNITED STATES 92113. It is further believed that Maximiliano Peraza Castro is a citizen of Mexico and Ramon Verduzco Martinez is a citizen of the United States. Such individuals are listed as the owner of the "LA BANDONONONA CLAVE NUEVA DE MAX

PERAZA" Mark, U.S. Registration No. 4,916,677, registered on the Principal Register on March 15, 2016, for "Entertainment services in the nature of live audio performances by a musical band; Entertainment services in the nature of live musical performances; Entertainment services in the nature of live vocal performances by a musical band" in International Class 041 (hereinafter "Registrants' Mark"). Registrants have a constructive first use date of September 17, 2014, and Registrants claim an alleged date of first use in commerce of March 4, 2013.

2. Petitioners are leading entertainment artists and sellers of media featuring music in the United States and are the owners of the "BANDA RANCHO VIEJO LA BANDONONONA" mark, U.S. Registration No. 4,585,035, filed on August 10, 2012, and registered on the Principal Register on August 12, 2014, for "Apparatus for recording, transmission or reproduction of sound or images; prerecorded magnetic data carriers featuring music; digital media, namely, compact discs, DVDs and downloadable audio files featuring music" in International Class 009 and "Entertainment in the nature of visual and audio performances by musical bands; entertainment, namely, live music concerts, live performances by a musical band; music production services" in International Class 041. *See* [Exhibit A, U.S. Reg. No. 4,585,035].

3. Commencing long prior to Registrants' alleged date of first use of Registrants' Mark in U.S. commerce of March 4, 2013, and long prior to the September 17, 2014 filing date of Registrants' Mark, Petitioners have engaged, and are now engaged in the manufacture, distribution, sale, advertising and promotion in interstate commerce of goods and services in International Class 009 and International Class 041 under Petitioners' "BANDA RANCHO VIEJO LA BANDONONONA" mark.

4. Petitioners' use of its "BANDA RANCHO VIEJO LA BANDONONONA" mark, U.S. Registration No. 4,585,035, has been continuous, exclusive, public and substantial since a date of first use in commerce at least as early as September 2011.

5. Such first use date for Petitioners' "BANDA RANCHO VIEJO LA BANDONONONA" mark is long prior to the September 17, 2014 constructive first use date of Registrants' "LA BANDONONONA CLAVE NUEVA DE MAX PERAZA" mark, Registration No. 4,916,677.

6. Registrants' Mark is confusingly similar to Petitioners' "BANDA RANCHO VIEJO LA BANDONONONA" mark because:

- a. Registrants' mark is substantially similar in appearance to Petitioners' "BANDA RANCHO VIEJO LA BANDONONONA" mark;
- b. Registrants' mark is substantially similar in sound to Petitioners' "BANDA RANCHO VIEJO LA BANDONONONA" mark;
- c. Registrants' mark is confusingly similar in connotation to Petitioners' "BANDA RANCHO VIEJO LA BANDONONONA" mark;
- d. the services of Petitioners and the goods and services of Registrants are identical and are marketed through the same channels of trade and to the same general class of consumers; and
- e. Petitioners' "BANDA RANCHO VIEJO LA BANDONONONA" mark enjoys a high level of distinctiveness.
- f. The dominant term of Registrants' "LA BANDONONONA CLAVE NUEVA DE MAX PERAZA" is the highly unusual term "BANDONONONA", which

is identical to the dominant term in Petitioners' "BANDA RANCHO VIEJO LA BANDONONONA" mark.

7. As a result of Petitioners' promotion and use of Petitioners' "BANDA RANCHO VIEJO LA BANDONONONA" mark in connection with its goods and services, the trade and purchasing public have come to know and recognize Petitioners' "BANDA RANCHO VIEJO LA BANDONONONA" mark and have associated the same with Petitioners and Petitioners' goods and services.

8. Petitioners' "BANDA RANCHO VIEJO LA BANDONONONA" mark constitutes the lawful, valued, subsisting, and exclusive property of Petitioners. As a result of the high quality of Petitioners' goods and services, and the extensive goods and services sold and advertised under Petitioners' "BANDA RANCHO VIEJO LA BANDONONONA" mark, the aforementioned mark has become an intrinsic and essential part of the valuable goodwill and property of Petitioners and is recognizable and associated by the public as a symbol identifying and distinguishing Petitioners' goods and services as those of exceptional quality.

9. Registrants' Mark so resembles Petitioners' "BANDA RANCHO VIEJO LA BANDONONONA" mark as to be likely to cause confusion or mistake, to suggest a connection, or to deceive purchasers into believing that Registrants' services originate with Petitioners and/or are endorsed or sponsored by the Petitioners, and/or that Registrants and/or its services are otherwise affiliated with the Petitioners and its goods and services.

10. The continuing use by Registrants of the confusingly similar "LA BANDONONONA CLAVE NUEVA DE MAX PERAZA" mark will inexorably have an adverse effect upon the value of Petitioners' "BANDA RANCHO VIEJO LA BANDONONONA" mark. If this Cancellation is

not sustained, any defect, objection to, or fault found with Registrants' services rendered under Registrants' Mark would necessarily reflect on and seriously injure the valuable goodwill and reputation that Petitioners have established for its goods and services.

11. As a result of Petitioners' prior use of Petitioners' "BANDA RANCHO VIEJO LA BANDONONONA" mark on identical services, Registrants' mark is not allowed to continue its registration under Section 2(d) of the Trademark Act and should be cancelled in this proceeding accordingly.

12. Based on the foregoing, the continued registration of U.S. Registration No. 4,916,677 for "LA BANDONONONA CLAVE NUEVA DE MAX PERAZA" for use on services in International Class 041 has, and will continue to, cause injury and damage to Petitioners.

WHEREFORE, Petitioners respectfully request that the Trademark Trial and Appeal Board cancel U.S. Registration No. 4,916,677 .

Petitioners hereby submits the requisite filing fee of \$300.00 for the Petition to Cancel Registrants' registration in International Class 041.

Respectfully submitted,

April 15, 2016  
Date

/2144-29/  
John S. Egbert  
Reg. No. 30,627  
Kevin S. Wilson  
Michael F. Swartz

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Houston, Texas 77002  
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ATTORNEYS FOR PETITIONERS  
JULIO CESAR ARAMBURO ARAMBURO and  
FERNANDO CAMACHO TIRADO



**CERTIFICATE OF SERVICE**

This is to certify that on April 15, 2016, a true and correct copy of the foregoing document is being sent by first class mail to the following address of record for the Registrant:

Maximiliano Peraza Castro and Ramon Verduzco Martinez  
2075 Ocean View Blvd  
San Diego, CALIFORNIA 92113

REGISTRANTS

/2144-29/

John S. Egbert  
Reg. No. 30,627  
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ATTORNEYS FOR PETITIONERS  
JULIO CESAR ARAMBURO ARAMBURO and  
FERNANDO CAMACHO TIRADO

JSE:mfs  
Our File: 2144-29

# Exhibit "A"

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Mark: BANDA RANCHO VIEJO LA BANDONONONA

BANDA RANCHO VIEJO LA  
BANDONONONA

US Serial Number: 85700529

Application Filing Date: Aug. 10, 2012

US Registration Number: 4585035

Registration Date: Aug. 12, 2014

Register: Principal

Mark Type: Trademark, Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Aug. 12, 2014

Publication Date: May 14, 2013

Notice of Allowance Date: Jul. 09, 2013

## Mark Information

Mark Literal Elements: BANDA RANCHO VIEJO LA BANDONONONA

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "BANDA"

Translation: The English translation of "BANDA RANCHO VIEJO LA" in the mark is "OLD RANCH BAND THE". The word(s) "BANDONONONA" has no meaning in a foreign language.

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- \* Brackets [...] indicate deleted goods/services;
- Double parentheses ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*. \* identify additional (new) wording in the goods/services.

For: Apparatus for recording, transmission or reproduction of sound or images; prerecorded magnetic data carriers featuring music; digital media, namely, compact discs, DVDs and downloadable audio files featuring music

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 14, 2013

Use in Commerce: Jan. 14, 2013

For: Entertainment in the nature of visual and audio performances by musical bands; entertainment, namely, live music concerts, live performances by a musical band; music production services

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 01, 2013

Use in Commerce: Sep. 01, 2013

## Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

**Owner Name:** TIRADO, FERNANDO CAMACHO

**Owner Address:** Av. Santa Rosa No. 3404, Col. Burócrata  
Mazatlán, Sinaloa MEXICO C.P.82163

**Legal Entity Type:** INDIVIDUAL

**Citizenship:** MEXICO

**Owner Name:** ARAMBURO, JULIO CESAR ARAMBURO

**Owner Address:** Privada Simón Bolívar No. 59  
Culiacán, Sinaloa MEXICO C.P.80040

**Legal Entity Type:** INDIVIDUAL

**Citizenship:** MEXICO

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** John S. Egbert

**Docket Number:** 2144-21

**Attorney Primary Email Address:** [mail@egbertlawoffices.com](mailto:mail@egbertlawoffices.com)

**Attorney Email Authorized:** Yes

### Correspondent

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**Domestic Representative e-mail Authorized:** Yes

## Prosecution History

Date	Description	Proceeding Number
Aug. 12, 2014	REGISTERED-PRINCIPAL REGISTER	
Jul. 08, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jul. 06, 2014	LAW OFFICE REGISTRATION REVIEW COMPLETED	77312
Jul. 01, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 18, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 17, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 17, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 18, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Dec. 18, 2013	NON-FINAL ACTION E-MAILED	
Dec. 18, 2013	SU - NON-FINAL ACTION - WRITTEN	77979
Nov. 27, 2013	STATEMENT OF USE PROCESSING COMPLETE	65362
Oct. 25, 2013	USE AMENDMENT FILED	65362
Nov. 26, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Oct. 25, 2013	TEAS STATEMENT OF USE RECEIVED	
Jul. 09, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
May 14, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	

May 14, 2013	PUBLISHED FOR OPPOSITION	
Apr. 24, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 09, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Apr. 04, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 04, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	77312
Apr. 04, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	77312
Mar. 30, 2013	ASSIGNED TO LIE	77312
Mar. 28, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 14, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 14, 2012	NON-FINAL ACTION E-MAILED	6325
Dec. 14, 2012	NON-FINAL ACTION WRITTEN	77979
Dec. 07, 2012	ASSIGNED TO EXAMINER	77979
Sep. 10, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 17, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 14, 2012	NEW APPLICATION ENTERED IN TRAM	

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### TM Staff and Location Information

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TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jul. 06, 2014



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**No assignment has been recorded at the USPTO**

**For Serial Number: 85700529**

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Web interface last modified: July 25, 2014 v2.5

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